

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 23, 2012

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Corder, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Jamie Bush, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 22, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 23, 2012

The JUDICIARY AND RULES Committee reports that [S 1411](#) has been correctly printed.

DARRINGTON, Chairman

[S 1411](#) was referred to the Judiciary and Rules Committee.

March 22, 2012

The JUDICIARY AND RULES Committee reports that [S 1270](#), [S 1280](#), [S 1295](#), as amended, [S 1330](#), and [SCR 123](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1270](#), [S 1280](#), [S 1295](#), as amended, [S 1330](#), and [SCR 123](#) and ordered them transmitted to the House for the signature of the Speaker.

March 22, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 661](#) with the recommendation that it do pass.

CORDER, Chairman

[H 661](#) was filed for second reading.

March 22, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 624](#) and [H 649](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 624](#) and [H 649](#) were filed for second reading.

March 22, 2012

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Allan R. Schneider to the Commission for the Blind & Visually Impaired, term to expire July 1, 2012.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 23, 2012

The STATE AFFAIRS Committee reports out [H 372](#), [H 575](#), [HCR 47](#), and [S 1386](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 372](#), [H 575](#), and [S 1386](#) were filed for second reading.

[HCR 47](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 22, 2012

Dear Mr. President:

I transmit herewith [HJM 14](#), [H 684](#), [H 685](#), [H 686](#), [H 687](#), and [H 691](#), which have passed the House.

ALEXANDER, Chief Clerk

[HJM 14](#), [H 684](#), [H 685](#), [H 686](#), [H 687](#), and [H 691](#) were filed for first reading.

March 22, 2012

Dear Mr. President:

I return herewith [S 1256](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Bair, granted by unanimous consent, [S 1256](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Corder was recorded present at this order of business.

The President announced that [HJM 13](#) was before the Senate for final consideration.

Moved by Senator McKenzie, seconded by Senator Stennett, that [HJM 13](#) be adopted. The question being, "Shall the memorial be adopted?"

Roll call vote was requested by Senator Pearce.

Pursuant to Senate Rule 39(H), Senator Tippets disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Werk, Winder. Total - 29.

NAYS—Fulcher, McKague, Nuxoll, Pearce, Toryanski, Vick. Total - 6.

Total - 35.

Whereupon the President declared [HJM 13](#) adopted, title was approved, and the memorial ordered returned to the House.

The President announced that [HCR 46](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Stennett, [HCR 46](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 49](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Stennett, [HCR 49](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to [S 1256](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1256](#), as amended in the House?"

On request by Senator Bair, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1256](#), as amended in the House.

[S 1256](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1412

BY FINANCE COMMITTEE

AN ACT

RELATING TO ALCOHOL BEVERAGE CONTROL ENFORCEMENT; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2013; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

S 1413

BY FINANCE COMMITTEE

AN ACT

RELATING TO APPROPRIATIONS; TO PROVIDE FOR A TRANSFER FROM THE GENERAL FUND TO THE CONSTITUTIONAL DEFENSE COUNCIL FUND FOR FISCAL YEAR 2013.

S 1414

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE AND DEVELOPMENTALLY DISABLED SERVICES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

[S 1412](#), [S 1413](#), and [S 1414](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HJM 14](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 684](#), [H 685](#), and [H 686](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 687](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 691](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 485](#), as amended, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

[H 458](#) and [H 542](#), as amended, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

[H 682](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1409](#) and [S 1410](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), and [H 681](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1408](#), by Finance Committee, was read the second time at length and filed for third reading.

[H 611](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Winder, granted by unanimous consent, [H 588](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1243](#), as amended in the House, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk. Total - 30.

NAYS—Schmidt. Total - 1.

Absent and excused—Fulcher, Goedde, Mortimer, Winder. Total - 4.

Total - 35.

Whereupon the President declared [S 1243](#), as amended in the House, as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

[H 619](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippetts, Toryanski, Vick, Werk, Winder. Total - 26.

NAYS—Bilyeu, Bock, Broadsword, Johnson, Keough, LeFavour, Malepeai, Schmidt, Stennett. Total - 9.

Total - 35.

Whereupon the President declared [H 619](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[S 1406](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Hill. Total - 1.

Total - 35.

Whereupon the President declared [S 1406](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 583](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Winder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 583](#) passed, title was approved, and the bill ordered returned to the House.

[H 515](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 515](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 584](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Corder, Darrington, Fulcher, Goedde, Heider, Hill, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 29.

NAYS—Broadsword, Davis, Johnson, Mortimer, Schmidt. Total - 5.

Absent and excused—Hammond. Total - 1.

Total - 35.

Whereupon the President declared [H 584](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 634](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 634](#) passed, title was approved, and the bill ordered returned to the House.

[H 551](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Vick. Total - 27.

NAYS—Davis, LeFavour, Pearce, Tippets, Toryanski, Winder. Total - 6.

Absent and excused—Goedde, Werk. Total - 2.

Total - 35.

Whereupon the President declared [H 551](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [S 1274](#), as amended in the House, was placed before the Senate for consideration at this time.

[S 1274](#), as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 29.

NAYS—Fulcher, McKenzie, Nuxoll, Pearce, Vick. Total - 5.

Absent and excused—Goedde. Total - 1.

Total - 35.

Whereupon the President declared [S 1274](#), as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, [H 648](#) was placed before the Senate for consideration at this time.

[H 648](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called Senator Darrington to the Chair.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the Acting President declared [H 648](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 23, 2012

The STATE AFFAIRS Committee reports out [HJM 14](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[HJM 14](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 23, 2012

Dear Mr. President:

I transmit herewith [H 689](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 689](#) was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

[H 689](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills**Motion to Suspend Rules**

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1386](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1386](#) be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Fulcher. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the Acting President declared the rules suspended.

[S 1386](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Fulcher. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1386](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12 noon until the hour of 9 a.m., Monday, March 26, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary